

ANALYSIS OF HB 1548

*House Agriculture & Ecology Committee
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BACKGROUND:

The Department of Health may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of the reclaimed water. The generator of the reclaimed water may then distribute the water according to the terms of the permit. The permit governs the location, rate, water quality, and purpose of use of the reclaimed water.

A permit is also required from the Department of Ecology for any land application of reclaimed water. The permit governs the location, rate, water quality, and purpose of use of the reclaimed water. A person who wishes to use industrial reclaimed water for a land application, therefore, must have a permit from the Department of Health and a permit from the Department of Ecology to govern the use of the water.

The owner of a wastewater treatment facility that is reclaiming water under a permit has exclusive right to the use of the reclaimed water generated by the treatment facility. Use of reclaimed water by the owner of a wastewater treatment facility is exempt from the water right permit provisions pertaining to surface water and ground water.

Facilities that reclaim water are prohibited from impairing existing water rights downstream from any freshwater discharge points of the facilities unless compensation or mitigation is agreed to by the holder of the affected water right. The law does not address impairment of rights of people relying upon the wastewater.

The relinquishment statutes do not contain an exemption for industrial reclaimed water.

The terms industrial reclaimed water– and industrial wastewater– are undefined.

SUMMARY:

The owner of a facility that provides industrial reclaimed water for agricultural purposes must obtain a permit from the Department of Ecology. The owner of a facility that provides industrial reclaimed water for agricultural purposes under a permit issued by the Department of Ecology has exclusive right to the industrial reclaimed water generated by the facility. Use and distribution of the reclaimed water is exempt from the requirements for a water right transfer or change, restrictions on use of interties, and ground water provisions pertaining to replacement of new wells or consolidation of exempt wells.

Industrial reclaimed water is authorized for agricultural purposes as a beneficial use if it is used in conformance with the permit issued for its use.

A facility that provides industrial reclaimed water for land application is prohibited from impairing any existing water right relying on a discharge of wastewater from the facility unless the holder of the impaired right is equitably compensated.

The substitution of industrial reclaimed water for other water under a water right does not result in relinquishment of the replaced water if the reclaimed water is used in accordance with the terms of a permit authorizing the discharge of water pollution.

Industrial reclaimed water– is defined as industrial wastewater that is used for agricultural purposes in conformance with a permit issued under the water pollution laws. Industrial wastewater– is defined as water or liquid carried waste from industrial or commercial processes, as distinct from sewage or domestic wastewater, and may result from the any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations, such as feed lots, poultry houses, or dairies.